

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: ARC AIRBAG
INFLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 3051

Case No: 1:22-MD-3051-ELR

District Judge Eleanor L. Ross

**SPECIALLY APPEARING DEFENDANTS DR. ING. H.C. F. PORSCHE
AG AND BAYERISCHE MOTOREN WERKE AG’S UNOPPOSED
MOTION TO EXTEND THEIR TIME TO RESPOND TO PLAINTIFFS’
CORRECTED CONSOLIDATED CLASS ACTION COMPLAINT**

Specially Appearing Defendants Dr. Ing. h.c. F. Porsche AG (“Porsche AG”)

and Bayerische Motoren Werke AG (“BMW AG”) hereby move to extend their time to respond to Plaintiffs’ Corrected Consolidated Class Action Complaint (“CAC”).

In support thereof, they state as follows:

1. On August 28, 2023, Plaintiffs filed a Corrected Consolidated Class Action Complaint asserting claims against numerous Defendants, including Porsche

AG and BMW AG. *See* ECF 157.

2. On November 13, 2024, Porsche AG received service of the CAC under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (the “Hague Convention”). Under Rule 12(a)(1)(A)(i), Porsche AG’s deadline to respond to the CAC is December 4.

3. On November 20, BMW AG received Plaintiffs' attempted service of the CAC under the Hague Convention. Under Rule 12(a)(1)(A)(i), BMW AG's deadline to respond to the CAC is December 11.

4. Both Porsche AG and BMW AG intend to file motions to dismiss for, among other potential defenses, lack of personal jurisdiction.

5. Under L.R. 7.1(B), Plaintiffs' deadlines to oppose Porsche AG and BMW AG's forthcoming motions to dismiss are, respectively, December 18 and December 26.

6. Porsche AG and BMW AG would then, respectively, have until January 2, 2025 and January 9, 2025 to file replies in support of their motions.

7. Several of these dates and deadlines fall during the holiday season. For example, Plaintiffs' deadline to oppose BMW AG's motion to dismiss is the day after Christmas and the first full day of Hannukah and Kwanzaa. Similarly, Porsche AG's deadline to reply is the day after New Year's Day.

8. To avoid conflicts with the holidays and to consolidate the existing deadlines, the Parties met and conferred regarding an amended briefing schedule.

See Ex. A.

9. The parties agreed to the following briefing schedule, applicable to both Porsche AG and BMW AG's motions to dismiss:

Event	Current Deadlines	Proposed Deadline
Defendants' Motions to Dismiss	12/4/2024 (Porsche AG) 12/11/2024 (BMW AG)	12/19/2024
Plaintiffs' Oppositions	12/18/2024 (Porsche AG) 12/26/2024 (BMW AG)	2/7/2025
Defendants' Replies	1/2/2025 (Porsche AG) 1/9/2025 (BMW AG)	2/28/2025

10. This Court may modify a briefing schedule for “good cause.” Fed. R. Civ. P. 16(b)(4). Courts have found good cause to avoid unnecessary conflicts with the holidays. *See Smith v. Conner*, No. 12-52, 2013 WL 178974, at *2 (M.D. Fla. Jan. 17, 2013); *accord Neche, LLC v. Allied Ins. Co. of Am.*, No. 19-1016, 2020 WL 870224, at *2 (D. Nev. Feb. 21, 2020).

11. By filing this Motion, neither Porsche AG nor BMW AG waive any defenses, including their right to challenge personal jurisdiction or the sufficiency of service. *See* Fed. R. Civ. P. 12(h).

12. Plaintiffs do not oppose this motion. *See* Ex. A.

WHEREFORE, Specially Appearing Defendants Porsche AG and BMW AG respectfully request that the Court extend their time to respond to the CAC and adopt the briefing schedule described herein.

Respectfully submitted,

/s/ Eric Y. Kizirian

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Dated: December 2, 2024

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rules 5.1 and 7.1, I certify that the foregoing memorandum was prepared using Times New Roman 14-point font.

Date: December 2, 2024

/s/ Matthew A. Goldberg

Matthew A. Goldberg

CERTIFICATE OF SERVICE

I certify that, on December 2, 2024, the foregoing document was served on all counsel of record via the court's CM/ECF e-filing system.

/s/ Matthew A. Goldberg

Matthew A. Goldberg